

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:92-CR-00114-BR

UNITED STATES OF AMERICA

v.

LEROY ANGLOSON STUART

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ORDER

This matter is before the court on defendant's *pro se* motion pursuant to Federal Rule of Civil Procedure Rule 60(b)(6) and requesting relief on the ground that he should not have been sentenced as a career offender. Because the motion attacks the validity of defendant's sentence, defendant must obtain relief, if at all, under 28 U.S.C. § 2255. However, as defendant himself recognizes, he has previously filed a motion pursuant to § 2255. The court lacks jurisdiction to rule on the instant motion, which is a second § 2255 motion, without authorization from the Court of Appeals for the Fourth Circuit. See 28 U.S.C. §§ 2244(b)(3), 2255(h); United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir. 2003). The motion is DENIED WITHOUT PREJUDICE.

This 29 October 2012.



W. Earl Britt
Senior U.S. District Judge